

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEITH OATES, an individual,)	Case No. 16-cv-219
)	
Plaintiff,)	
)	
v.)	
)	NOTICE OF REMOVAL
DILLON COMPANIES, INC., D/B/A)	
BAKER'S SUPERMARKETS,)	
)	
Defendant.)	

Defendant Dillon Companies, Inc. d/b/a Baker's Supermarkets ("Defendant") files this Notice of Removal thereby removing this case from the County Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska, and respectfully provides the Court the following:

A. State Court Action

This action was originally filed by Plaintiff Keith Oates ("Plaintiff") on April 13, 2016 in the County Court of Douglas County, Nebraska, and assigned Case Number CI 16 6920, on the docket of that court. A copy of the Summons and Complaint is attached hereto as Exhibit A.

In his Complaint, Plaintiff alleges he has been subjected to unlawful employment practices by Defendant in violation of the Nebraska Fair Employment Practices Act, Neb.Rev.Stat. § 48-1101 et seq. and Neb.Rev.Stat § 48-1114, and that Defendant allegedly breached its contractual obligations to Plaintiff. (Complaint at ¶¶ 5, 16-18). Plaintiff has demanded a trial by jury. Defendant has not yet filed an Answer or otherwise responded to Plaintiff's Complaint.

B. Diversity Jurisdiction

This action is removable under Title 28, § 1332 of the United States Code. Pursuant to § 1332, federal district courts have original jurisdiction over all actions where the alleged matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C. § 1332(a). The parties are citizens of different states. Plaintiff is a citizen of the State of Nebraska. (Complaint, ¶ 1). Defendant is a Kansas corporation with a principal place of business in Hutchinson, Kansas.

Plaintiff's Complaint requests "all relief allowed for by law", which includes damages for back pay, front pay, emotional distress damages, compensatory damages, and costs. *See Generally* Neb. Rev. Stat. 48-1119(4); *Katskee v. Nevada Bob's Golf*, 238 Neb. 654, 472 N.W.2d 372, (Neb. 1991) and Exhibit A, ¶ 'Prayer for Relief'. Based on the foregoing and a careful review of the Complaint, Defendant has a reasonable and good faith belief that Plaintiff's claimed damages, and therefore the amount in controversy, more likely than not exceed \$75,000.00. Therefore, this Court has jurisdiction under Title 28, §§ 1332 and 1441 of the United States Code.

C. Timeliness of Removal and Venue

The removal is timely. Summons was issued by the Clerk of the County Court of Douglas County, Nebraska on April 13, 2016, and Defendant received service of the suit via certified mail on April 18, 2016. This Removal is filed within thirty (30) days of Defendant's receipt of summons and a copy of Plaintiff's Complaint and is timely under Title 28, § 1446(b) of the United States Code. Venue of this removal action is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

D. State Court Documents Attached

In accordance with 28 U.S.C. §§ 1446(a), 1447(b) and 1449, copies of all pleadings, process, and orders including other papers received by Defendant are attached hereto as Exhibit A.

E. Notice to State Court and Plaintiff

Defendant will file a copy of this Notice of Removal with the County Court of Douglas County, Nebraska, pursuant to Title 28, § 1446(d) of the United States Code. Defendant will also provide Plaintiff with written notice of the filing of this Notice of Removal.

F. Request for Place of Trial

Defendant hereby requests that the trial in this matter be held in Omaha, Nebraska.

WHEREFORE, Defendant hereby gives notice that the above action initiated in the County Court of Douglas County, Nebraska is hereby removed to the United States District Court for the District of Nebraska for the reasons set forth above.

Dated this 18th day of May 2016.

DILLON COMPANIES, INC., D/B/A
BAKER'S SUPERMARKETS, Defendant.

By: /s/ Abigail M. Moland
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2016, the foregoing Notice of Removal was filed electronically with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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/s/ Abigail M. Moland
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